

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated March 29, 2004, indicated that the drawings are informal and claims 1-30 are rejected under 35 U.S.C. § 102(b) over *Eberhardt et al.* (U.S. Patent No. 5,754,583).

Applicant submits that the Office Action fails to present a *prima facie* case of rejection and is confused as to the basis of the rejection of the claims. The Office Action indicates that the claims are rejected under 35 U.S.C. § 102(b), which necessitates a showing of correspondence between the cited reference and each of the claimed limitations in order to be a proper basis for rejection. However, as acknowledged in the Office Action, this requirement is not met because *Eberhardt* does not disclose preventing the finger assignment from being deassigned. This acknowledgement of *Eberhardt's* deficiency is followed by citations to a column 7 and column 8. Applicant is unsure as to whether the Office Action is attempting to present a Section 103 rejection where the citations are to another (undisclosed) reference or the Office Action is identifying how *Eberhardt* fails to correspond to the claimed invention. Either way, the Office Action acknowledges that a *prima facie* Section 102(b) rejection has not been presented. Applicant accordingly requests further clarification and an opportunity to respond thereto, or that the rejection be withdrawn.

Notwithstanding the above, Applicant has amended each of the independent claims to indicate that a finger assignment is prevented from being deassigned as a function of a predetermined time period. The Office Action fails to present any teachings of *Eberhardt* directed to such a use of a predetermined time period. For example, *Eberhardt* fails to teach any determination of a time period when the signal-strength satiates a second threshold, as claimed in claim 2. The Office Action's citations are directed to a conventional time delay resulting from a signal reaching a lock threshold and not to the claimed determination of a time period. Without a showing of correspondence to each of the claimed limitations, the Section 102(b) rejection is

improper and cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

Applicant has also added new claim 31, which largely corresponds to original claim 2. Thus, new claim 31 does not introduce new matter and is believed to be patentable for the reasons discussed above. Further, in accordance with 35 U.S.C. § 112(6), the means of new claim 31 are different than those of the cited prior art.

Please charge deposit account number 50-0996 (VLSI.401PA) in the amount of \$86.00 for the additional independent claim. Please charge/credit the same deposit account for any other fees/overages resulting from this Response.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

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